

Serial No. 10/664,682

PATENT
New Atty Docket No.: 67267-5002RECEIVED
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REMARKS/ARGUMENTS**The Final Rejection**

In the above-mentioned Final Rejection, the oath was objected to, the specification was objected to, claims 1, 2, and 4-13 were rejected as being anticipated by Japanese Patent 3045250 ('250), and claims 1, 2, 6-8, 10 and 11 were rejected as being anticipated by U.S. Patent No. 6,881,928 (Wong).

In response to the above-mentioned Final Rejection, claims 1-13 have been cancelled without prejudice or disclaimer and new claims 14-27 have been added. The objections to paragraph [0023] in the specification were corrected in the last Amendment, Applicant respectfully submits. The objection to the oath is being corrected by an Inventor Information Submission filed herewith. A Change of Correspondence Address is also enclosed.

The Claims are Patentable over the Prior Art

It is respectfully contended that none of the references individually or in combination discloses or suggests a hair curling apparatus having, *inter alia*, a curler body comprising a mixture of (a) a heat-resistant resin, (b) a silicon dioxide-based multi-element mineral powder, and (c) a far-infrared emitting powder; wherein the multi-element mineral powder includes silicon dioxide powder and aluminum oxide powder; and wherein the far-infrared emitting powder includes silica powder and alumina powder.

Referring to paragraph [0025] of the present application, the presence of the silicon dioxide-based multi-element mineral powder mixed with the far-infrared emitting powder advantageously and uniquely results in negative ions, weak energy, and far infrared radiation being generated from the curler body. In particular, silica emphasizes the negative ion effect and alumina emphasizes the far-infrared radiation effect. This reduces the size of the groups of molecules in the water so that the water penetrates deep within the user's hair, whereby the moisture balance of the hair is adjusted so that the condition thereof approaches a healthy state and a strong and attractive curl can be

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imparted. As a result of the activation of proteins in the hair by the action of these negative ions, this weak energy, and this far infrared radiation, the hair can be constantly maintained in a healthy state. Since the thermal efficiency of the hair curling apparatus can be increased by the action of these negative ions, this weak energy, and this far infrared radiation, and the setting time can thereby be reduced. Furthermore, negative ions, weak energy, and far infrared radiation reduce the size of the groups of molecules in the water so that it penetrates deep within the hair, thus reducing static electricity and maintaining shiny hair. Furthermore, negative ions, weak energy, and far infrared radiation act so that an attractive curl can be imparted by the hot curlers to hair that has been damaged by excessive use of hair coloring, permanent wave treatments, and/or hair dryers, and to difficult-to-set fine hair.

Thus, not only are the elements and limitations of the new claims not suggested individually or with any combination of the prior art references of record, but the hair curler of the present invention satisfies long-felt needs and has unexpected results, thereby overcoming any *prima facie* case of obviousness which may be asserted against these new claims.

In other words, a goal of the present invention is to provide a hair curling apparatus which keeps the hair styled for a longer period after the hair has been set, which imparts a sheen to the hair and which enhances a healthier state of the hair. This is accomplished by a synergistic effect of the feeble energy of electromagnetic radiation, of negative ions and of far-infrared radiation. Additionally, the present invention provides for improved permeation of moisture into the hair.

In contrast, Wong cannot be expected to have the beneficial effects of imparting a healthier state to the hair and providing stronger and more radiant curls, resulting from the three phenomena of negative ions from poly-element mineral powder, far-infrared radiation from far-infrared radiation emitting powder and feeble electromagnetic energy from the two combined elements.

Additionally, the product-by process arguments which were used in rejecting the now-cancelled claims do not apply to the new claims, Applicant respectfully contends.

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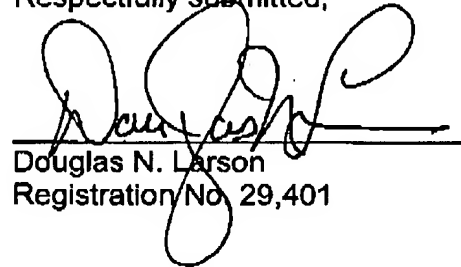
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Accordingly, it is respectfully contended that all of the claims now pending are in condition for allowance. Issuance of the Notice of Allowance at an early date is thus in order.

If there are any remaining issues, Examiner Manahan is encouraged to telephone the below-signed counsel for Applicant at (310) 785-5384 to seek to resolve them.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 10-0440. Should such additional fees be associated with an extension of time, Applicant respectfully requests that this paper be considered a petition therefor.

Respectfully submitted,



Douglas N. Larson
Registration No. 29,401

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JEFFER, MANGELS, BUTLER & MARMARO LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067-4308
Telephone: (310) 203-8080
Facsimile : (310) 712-3371